IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.8332 OF 2006

Bharatiya Bhatake Vimukta Vikas
ani Sanshodhan Sanstha Karanje ...Petitioner

vs.

M/s.Kacchi Na Bartakke Associate ...Respondent

Mr.Uday Warunjikar for the Petitioner
Mr.P.B.Shah for the Respondent.

CORAM: A.S.OKA,J.
DATE : MARCH 5,2007.

P.C.:

1. After arguing the Petition for some time, Shri Warunjikar learned counsel for the Petitioner on instructions of the representative of the Petitioner seeks permission to withdraw this Petition with liberty to file an application under Rule 4 of Order XXXIX of Code of Civil Procedure, 1908 on the basis of events which have taken place after passing of the order by the trial Court.

2. Shri Shah appearing for the respondent opposes the said prayer on the ground that liberty cannot be granted.

3. The Petitioner is seeking to apply under Rule 4 of Order XXXIX of the said Code for variation of the order of the temporary injunction on the ground of subsequent events. Right to apply under Rule 4 of Order XXXIX of the said Code is always available to the Petitioner under the provisions of the

said Code. It is obvious that the trial court will consider the prayer for variation of the order only if the Petitioner makes out a case for variation of the order on the basis of subsequent events.

4. Subject to what is stated above, Writ Petition is dismissed as withdrawn with liberty as prayed.

JUDGE